



CHOOSING A CONSULTANT

Purpose

This section provides guidance for selecting an environmental consultant to conduct investigatory and remedial actions under KDHE's Voluntary Cleanup and Property Redevelopment Program (VCPRP). Selecting an appropriate and qualified environmental consultant to conduct these actions is a crucial step for the voluntary party. The skills, experience, and track records of environmental consultants vary widely. Therefore, it will be beneficial to select a consultant carefully using the best information available.

Benefits of selecting a qualified and experienced consultant include:

- Saving time and money;
- Satisfactorily completing projects the first time;
- Establishing better relationships with regulatory agencies;
- Submittal of investigations and reports in a timely fashion;
- Satisfaction by the client, the consultant, and the regulatory staff with the final outcome; and,
- Minimizing unexpected contingencies.

Process for Selecting a Consultant

The voluntary party should follow these five steps to collect the information necessary to choose a consultant:

STEP 1: The voluntary party should determine the overall scope of the project (i.e., type of action required, history, etc.). The voluntary party should also be familiar with the applicable regulatory requirements. A good understanding of the problem and what needs to be done will assist in determining which consultant is best qualified for the project. KDHE VCPRP staff are available to discuss, in general terms, the potential scope of activities for a prospective site.

STEP 2: Compile a list of prospective consultants by checking professional societies or directories, interviewing attorneys, and contacting other companies in your industry or related industries who have conducted similar investigations and cleanups. Consultants commonly maintain a generic Statement of Qualifications containing basic information on the company, staff, and types of projects with which the company has experience. This general information should be used to help narrow the field of consultants qualified to do the work for the particular property. Next, the voluntary party should contact the consultant to more thoroughly understand what the consultant is qualified to do. Suggested questions include:

- Type of environmental consultant;
- Number and type of staff;



- Years in business;
- Number of projects completed in Kansas;
- Largest project in last five years;
- Kinds of services offered;
- Typical response time in the event of an emergency;
- Confirmation of appropriate insurance and bondable status;
- Estimated annual revenues; and,
- Banking references.

STEP 3: A summary of the contamination problem should be developed by the voluntary party which includes any readily available information about the property, potential sources of contamination and company records on hazardous substances used or stored. Include a brief written description of the historical use of the property, current use, and the work that the voluntary party thinks needs to be done. Submit the report to interested consultants that appear to be qualified on first appraisal and request that the consultant submit a proposal which includes:

- Possible procedures for investigation or cleanup of the property;
- Amount of time needed for completion (not including time required for review by the KDHE);
- Estimation of cost;
- Itemized fee schedule;
- Summary of experience applicable to the property, including the client's name and address; and,
- Names of staff that would be assigned to the project, including their current resumes and references.

STEP 4: The voluntary party should take time to research the consultant by obtaining references from companies that have hired the consultant and also by contacting companies that are currently working with the consultant. Suggested questions include:

- Was the consultant knowledgeable about the investigation and cleanup?
- Did the consultant meet the stated work and project deadlines?
- Did the consultant keep you informed of project development and aware of all available investigative and cleanup options?
- Did any problems arise during your work with the consultant, and were they satisfactorily resolved?
- Did the consultant work effectively with the KDHE staff, local officials, and you?
- Were you satisfied with the work performed by the consultant?
- Did the final costs seem in line with the original estimate?

STEP 5: After evaluating the proposals received and contacting references, the voluntary party should prepare a short list of the most qualified consultants. Interviews should be arranged between the



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voluntary party and the prospective consulting firm. The interviews should be used to clarify any confusing aspects of the consultant proposals and evaluate the consultants' qualifications in more depth than given on the proposals. Some example questions include:

- Does the consultant have experience with the kind of project you are proposing?
- Is the consultant's staff trained in the use of field instruments and procedures?
- Does the consultant own testing or monitoring equipment and does their firm have the staff to properly maintain and calibrate the equipment?
- Which procedures does the consultant conduct and which do they subcontract? (Ask for names of subcontractors, and check on their experience.)
- Are subcontractor activities competitively bid?
- How will the consultant charge for subcontractor management costs? (It should be by hourly rate or percentage of fees, not both.)
- Will the consultant use an in-house laboratory or contract with an outside laboratory?
- What projects has the firm completed in Kansas?
- Does the consultant have an established field protocol and chain-of-custody SOP for sampling?
- Do the consultant and the subcontractor have professional and environmental liability insurance?
- What is the consultant's current workload? Are current projects on schedule?
- Is the consultant's field staff trained in safety procedures as required by Occupational Safety and Health Administration?
- Who are the specific consultant employees who will work on your project and do they have relevant experience?
- Does the consultant have references?

Things to look out for when examining consulting firms for potential hire; there are several cautionary symptoms to look for that might suggest a potential for future dissatisfaction with the firm's performance.

A few examples include:

- Cost estimates significantly lower than those of competing firms;
- Hard-sell approaches;
- Minimizing or maximizing potential technical or legal problems;
- Strong biases for or against certain cleanup remedies;
- Conflict of interest; and,
- Overly optimistic time lines.

Costs

There are two methods consultants generally use to charge for work performed. The method chosen depends on the type and scope of the project.



Cost plus fixed fee contract is the most common type of contract consultants use. The voluntary party will be charged for salaries and expenses plus a fixed fee to be determined by you and the consultant. This method works well for projects where the scope is unclear, extensive investigation is needed or experimental processes are used.

Fixed price is the other method used by consultants. The consultant will charge the voluntary party a firm sum for the entire project. This method is generally used for small projects or when the scope is clearly defined.

Whichever method is chosen, the voluntary party should set up clear, specific criteria by which to evaluate and compare cost estimates.

Making the Final Decision

The information collected through the consulting firm's submitted proposal, the reference check of the firm and the individual staff members, and the interview should provide enough information to select a consultant. It is important to remember to hire a consulting firm that is experienced in the same type of work as that required for the particular property. By researching the firm one will get a feel for its honesty and its ability; ultimately, this will save the voluntary party time, money, and stress.

A list of consultants is available from KDHE upon request. The appearance of a consultant's name on the list does not represent that the consultant is qualified or recommended to perform VCPRP activities. The list simply includes those consultants who have submitted their companies' names to KDHE.